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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/882,197	06/25/1997	PAUL GREER	42390.P4072	3875

7590

08/26/2002

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/882,197

Applicant(s)

GREER ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,9-13 and 17-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,9-13 and 17-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This final office action is responsive to Applicant's amendment filed August 6, 2002.

Claims 3, 9, and 17 have been amended.

Claims 2-6, 9-13, and 17-57 remain pending for examination.

Response to Arguments

2. Applicant's arguments filed August 6, 2002 have been fully considered but they are not persuasive.

Applicant argues:

The Dedrick reference does not disclose or suggest a first agent having a triggering program to filter information and to determine whether the information is significant. In the Dedrick reference, it appears that the triggering program is run in the content provider. (Page 8 of Applicant's response)

Examiner respectfully disagrees. As in the claimed invention, Dedrick teaches the use of agents to proactively target users with advertisements (i.e., content) that would likely be of interest to the users (as judged based on the user's updated profile). The agents must sort through (i.e., filter) information that is deemed to be relevant to each user. This is equivalent to an "agent having a triggering program to filter information and to determine whether the information is significant" since only "significant" information (i.e., advertisements of interest) are targeted to the users. See at least col. 9, lines 3-46. Further, it should be noted that Dedrick's appraisal agents are autonomous in the sense that they are programmed to perform a function(s) on their

own; therefore, it can be said that Dedrick's agents have a triggering program to instruct them to filter information and determine whether the information is significant.

The following art rejection addresses pending claims 2-6, 9-13, and 17-57, as amended by the Applicant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 9-13, and 17-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,710,884).

As in the claimed invention, Dedrick teaches the use of agents to proactively target users with advertisements (i.e., content) that would likely be of interest to the users (as judged based on the user's updated profile). The agents must sort through (i.e., filter) information that is deemed to be relevant to each user. This is equivalent to an "agent having a triggering program to filter information and to determine whether the information is significant" since only "significant" information (i.e., advertisements of interest) are targeted to the users. See at least col. 9, lines 3-46. Further, it should be noted that Dedrick's appraisal agents are autonomous in the sense that they are programmed to perform a function(s) on their own; therefore, it can be said that

Dedrick's agents have a triggering program to instruct them to filter information and determine whether the information is significant.

Dedrick's profile information is dynamic and is therefore constantly updated by the system (Abstract; col. 2, lines 15-29). Furthermore, it should also be noted that condition-action pair rules are inherent for the targeting of advertisements to occur. For example, such rules must incorporate logic along the lines of, "If user A has characteristic X, then send user A advertisement B." This is an example of a condition-action pair rule. The collection of rules (i.e., a rulebook) controls the overall operations of the advertisement-targeting system.

Regarding the concept of gathering user profile data (i.e., a user rule page) from the target computer and uploading it to the content provider, Dedrick discloses a metering service that is coupled to a local area network. Further, end user profile data is uploaded to the metering server. See at least Figure 3a; col. 3, lines 6-26; col. 4, lines 4-8; col. 9, lines 57-65; col. 10, line 62 through col. 11, line 33. In one embodiment, the metering server has control over which content is delivered to the end user:

"In one embodiment, requests for information are made by the appraisal agent 28. In this embodiment, the metering process 36 checks whether the content database 34 contains information matching the search criteria provided by the appraisal agent 28. If a match exists, then electronic information is returned to the client system 12, provided the end user which initiated the appraisal agent 28 is a subscriber of the information, or has a sufficient balance in his or her account to pay for the electronic information."
(Dedrick: col. 10, line 62 through col. 11, line 33)

While Dedrick discloses the targeting of different information based on various rules applied to a user's profile, Dedrick does not explicitly outline every rule permutation possible. Claims 3, 4, 6, 9-11, 17-20, 23-25, 28, 32-34, and 37 address the characteristics of the target computer. Artisans of ordinary skill in the art have long known that it is common to collect data regarding a computer user's hardware and software in order to gather information about a computer user's hardware and software interests as well as to assist in establishing effective computer communications. For example, certain network protocols may need to be established for data transmission depending on a user's particular computer characteristics, including memory usage, memory available, processor clock speed, operating system, modem speed, software, etc. As a matter of fact, a user's Internet and/or general networking capabilities are dependent on each of these factors; therefore, certain software may not even be compatible with the user's computer system. As a result, it would be a waste of time to attempt to download or even market products that are incompatible with a user's computer system to that particular user. Consequently, it would behoove an agent to be programmed to retrieve data regarding said hardware and software characteristics in order to effectively assess which information is to be targeted to which users, thereby making such an enhancement to Dedrick's invention obvious to one of ordinary skill in the art at the time of Applicant's invention.

As per claims 26, 35, and 36, while Dedrick gathers information concerning web sites visited by a user, he does not explicitly disclose that he records the time spent by the user at each web site; however, the Examiner asserts that such a limitation would

be deemed obvious in light of the fact that artisans of ordinary skill in the art have long been aware of the correlation between a user's interest in a given topic and the time the user spends researching that topic. Therefore, the longer a user spends at a given web site, the more interest the user likely has in the information related with that particular web site. Consequently, an artisan of ordinary skill in the art at the time of Applicant's invention would have found it obvious to not only record information concerning the web sites visited by a user, but also to record the time spent at each web site in order to enable more effective targeting of information to a user based on a more accurate analysis of that user's interests.

As per claims 46, 47, 50, 51, 54, and 55, while Dedrick's agents collect profile information through a local area network (LAN) or a wide area network (WAN), Dedrick fails to explicitly disclose the collection of profile information through a web page via the Internet. However, the Examiner asserts that it is old and well-known in the art to collect profile information through a web page via the Internet. As a matter of fact, wide area networks are commonly implemented through the Internet in order to facilitate global connections. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enable Dedrick's agents to collect user profile information through a web site via the Internet in order to facilitate data collection from users throughout the world. All of the limitations of claims 5, 12, 22, 39, 40, 41, 46, 47, 50, 51, 54, and 55 are inherent to this Internet-enabled version of Dedrick's invention.

Regarding claims 48, 49, 52, 53, 56, and 57, Dedrick fails to disclose multiple content providers. However, Dedrick's system profits, at least in part, from its ability to

charge for delivering targeted content to an end user; therefore, the more content providers there are available, the more likely Dedrick's system is to be profitable. Since different content providers likely provide different content services, the associated rule pages would be customized to each content provider based on information received from each of these content providers. As a result, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Dedrick's invention with multiple content providers such that each provider is associated with a respective rule page based on information from each content provider in order to widen Dedrick's market thereby increasing potential for profit while meeting the specific marketing needs of each content provider.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

SMD

August 24, 2002

**TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**